

17611 U.S. PTO



123003



EXPRESS MAIL LABEL NO. EV325783222US

PATENT APPLICATION
Docket No: 2411.3301.2US

22264 U.S.PTO
10/750484



123003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
Class 102, Subclass 289

Prosecution of Parent Application:
Examiner: Peter A. Nelson
Art Unit: 3641

TRANSMITTAL FOR DIVISIONAL APPLICATION

Mail Stop: PATENT APPLICATION
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b) of pending United States Patent Application Serial No. 10/039,137 of Farrell G. Badger, Brendan M. Welch, Ronald D. Thomas, Lyman G. Bahr, and Dean F. Richards for Method, Apparatus, and Systems for Accelerated Bioremediation of Explosives that was filed on December 31, 2001 (hereinafter "the Parent Application"). The Parent Application is a divisional application of United States Patent Application Serial No. 866,205 that was filed on May 30, 1997 (hereinafter "the Grandparent Application").

The new divisional application is being filed in the name of the following coinventors:

1. Coinventor: Farrell G. Badger
Citizenship: United States of America
Address: 1410 North 1250 East
Mapleton, Utah 84664 USA

2. Coinventor: Brendan M. Welch
Citizenship: United States of America
Address: 264 Albee Road
Uxbridge, Massachusetts 01569 USA

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3. Coinventor: Ronald D. Thomas
Citizenship: United States of America
Address: 15 West Oak Drive
Woodland Hills, Utah 84653 USA

4. Coinventor: Lyman G. Bahr
Citizenship: United States of America
Address: 238 South 600 West
Payson, Utah 84651 USA

5. Coinventor: Dean F. Richards
Citizenship: United States of America
Address: 140 North 100 West
Pleasant Grove, Utah 84062 USA

A. Enclosures

Toward that end enclosed are the following documents:

- X The text of the originally-filed Parent Application regenerated to include revised claims and with all amendments made to the specification thereof during the prosecution of the Parent Application, text comprising 61 pages.

- X The drawings of the originally-filed Parent Application regenerated to include all amendments made thereto during the prosecution of the Parent Application, drawings comprising 16 sheets of formal figures on bristol.

- X A Declaration in Section E below verifying that the above-listed application and drawings are true copies of the originally-filed Parent Application as subsequently amended during the prosecution thereof, with the exception of the following: the Express Mail label number and the docket number of the undersigned listed on the cover page; revisions in Paragraph Nos. [0001]-[0002] that recite a priority claim to the Parent Application and data about related applications; the sequential numbering for the paragraphs in the specification; a recasting of headings; the identifying data at the top of each drawing sheet; revisions to the claims; and revisions to the Abstract.

- X A copy of the Declaration, Power of Attorney, and Petition containing the oath or declaration as filed in copy form in the Parent Application, but as originally filed in the Grandparent Application.

- For effecting amendments to the application prior to an examination on the merits, also enclosed are the following:
- A Preliminary Amendment;
- A Transmittal for Preliminary Amendment containing a fee calculation;
- Check No. _____ in the amount of _____ comprising the fee for extra claims, if required;
- Letter to Official Draftsperson;
- Informal drawings with changes (____ sheets); and
- Drawings with changes highlighted in red (____ sheets).
- X In compliance with the duty of candor set forth in 37 C.F.R. § 1.98, enclosed are the following:
- X Transmittal for Information Disclosure Statement (5 pages).
- X Information Disclosure Statement (12 pages).
- X Form PTO-1449 listing one hundred nineteen (119) references submitted for consideration (11 pages).
- X Copies of the following listings of references considered by the Examiner during the prosecution of the Parent Application:
- X Sheets of Form PTO-1449 as follows:
- X As initialed by the Examiner on December 13, 2002, listing references A1-A58;
- X As initialed by the Examiner on December 13, 2002, listing references A1-A59; and
- X As initialed by the Examiner on December 13, 2002, listing references A1-A5; and
- Sheets of Form PTO-892 as follows:
- As mailed from the Patent Office on _____ listing references _-_ ; and

- As mailed from the Patent Office on _____ listing references _____.
 - Copies of _____ (_____) of the references listed on the Form PTO-1449.
 - The references are compiled in a loose-leaf notebook numerically tabulated to correspond to the reference number of each in the Form PTO-1449. The notebook includes a Table of Contents for the entire set of references that identifies the reference at each numbered tab in the notebook. Accordingly, also enclosed are the following:
 - A copy of the Table of Contents described above separate and apart from the notebook also described above.
 - A duplicate of loose-leaf notebook described above is enclosed for the personal convenience of the Examiner entrusted with responsibility for prosecution in this matter.
- Check No. 5555 in the amount of \$1,112.00 comprising the filing fee as calculated in Section D below.
- A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27.
- An Associate Power of Attorney.
- A Certificate of Mailing by "Express Mail" certifying a filing date for the enclosed application by use of Express Mail Label No. EV325783222US.
- A duplicate copy of this document.

B. Instructions

- Transfer the drawings from the Parent Application to this application, and abandon the Parent Application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the file of the Parent Application.
- X Address all future correspondence in connection with the above-identified patent application to the attention of:

Kent S. Burningham, Esq.
TRASKBRITT, PC
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
Telephone: (801) 532-1922
Facsimile: (801) 531-9168
Toll Free: (800) 900-2001

C. Averments

- Priority of Application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119.
- A certified copy of the priority documents has been filed in the Parent Application.
- A Verified Statement to Establish Small Entity Status was filed in the Parent Application and such status is still proper and desired.
- X The Grandparent Application is assigned of record to THE ENSIGN-BICKFORD COMPANY by the cumulative effect of five (5) documents recorded individually at the locations indicated below:
 1. Assignment "A" recorded at Reel 011672, frames 0901-0904;
 2. Assignment "B" recorded at Reel 011674, frames 0992-0995;
 3. Assignment "C" recorded at Reel 011676, frames 0014-0017;
 4. Assignment "D" recorded at Reel 011676, frames 0006-0009; and
 5. Assignment "E" recorded at Reel 011676, frames 0038-0041.

X The power of attorney currently in effect in the Parent Application is to:

William S. Britt	Registration No. 20,969
David V. Trask	Registration No. 22,012
Thomas J. Rossa	Registration No. 26,969
James R. Duzan	Registration No. 28,393
Joseph A. Walkowski	Registration No. 28,765
Kent S. Birmingham	Registration No. 30,453
Laurence B. Bond	Registration No. 30,549
Allen C. Turner	Registration No. 33,041
Julie K. Morrise	Registration No. 33,263
Keith L. Hargrove	Registration No. 34,263
Bruce E. Hayden	Registration No. 35,539
Robert G. Winkle	Registration No. 37,474
Brick G. Power	Registration No. 38,581
Patrick McBride	Registration No. 39,295
Kenneth E. Horton	Registration No. 39,481
Edgar R. Cataxinos	Registration No. 39,931
Kenneth C. Booth	Registration No. 42,342
Shawn G. Hansen	Registration No. 42,627
David L. Stott	Registration No. 43,937
Bretton L. Crockett	Registration No. 44,632
Devin R. Jensen	Registration No. 44,805
Paul C. Oestreich	Registration No. 44,983
Bradley B. Jensen	Registration No. 46,801
Katherine A. Hamer	Registration No. 47,628
Andrew F. Nilles	Registration No. 47,825
Krista Weber Powell	Registration No. 47,867
H. Dickson Burton	Registration No. 48,396

X The power appears in the following originally filed papers of the Parent Application, copies of which are enclosed:

- X Declaration, Power of Attorney, and Petition originally filed in the prosecution of the Grandparent Application as executed by the named coinventors vicariously between January 15 and April 7, 1998;
- X Associate Power of Attorney originally filed in the prosecution of the Grandparent Application as executed by the undersigned on March 2, 1998; and
- X Associate Power of Attorney executed by the undersigned on December 31, 2001, which was among the originally filed papers of the Parent Application.

— Since the power does not appear in the originally filed papers of the Parent Application, a copy of the power currently in effect in the Parent Application is enclosed.

D. Payments

The filing fee has been calculated as shown below for other than a small entity applicant.

CLAIM INVENTORY			SMALL ENTITY		<u>OR</u>	OTHER THAN A SMALL ENTITY	
Claims	Number Paid For by Basic Fee	Extra	Rate	Fee		Rate	Fee
Total 39	Minus 20	19	\$ 9.00	\$ --		\$ 18.00	\$ 342.00
Indep. 3	Minus 3	0	\$ 43.00	\$ --		\$ 86.00	\$ 0.00
First Multiple Dependent Claim			\$145.00	\$ --		\$290.00	\$ 0.00
Basic Fee			\$385.00	\$ --		\$770.00	\$ 770.00
Additional Fee			TOTAL	\$ --		TOTAL	\$1,112.00

- X Any check(s) remitted herewith are listed in Section A above.
- Please debit Deposit Account No. 20-1469 in the amount of \$_____ for the government filing fee.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1469.
- X Any additional filing fees required under 37 C.F.R. § 1.16.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 20-1469.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- X Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

E. Declaration

I hereby certify that, with the exception of the Express Mail label number and the docket number of the undersigned listed on the cover page, revisions in Paragraph Nos. [0001]-[0002] that recite a priority claim and data about related applications, the sequential numbering for the paragraphs in the specification, a recasting of headings, the identifying data at the top of each drawing sheet, revisions to the claims, and revisions to the Abstract, the attached papers are a true copy of the United States Patent Application Serial No. 10/039,137 that was filed on December 31, 2001, as subsequently amended during the prosecution thereof.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 30th day of December, 2003.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

TRASKBRITT, PC
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Salt Lake City, Utah 84102 USA
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CUSTOMER NUMBER
24247
PATENT TRADEMARK OFFICE

KSB/tlb

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Docket: 2411.3301.2US

EXPRESS MAIL LABEL NO. EV325783222US

PATENT APPLICATION
Docket No.: 2411.3301.2US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Farrell G. Badger et al.

For: EXPLOSIVE DEVICE WITH ACCELERATED
BIOREMEDIATION CAPACITY

Divisional of:

Serial No.: 10/039,137

Of: Farrell G. Badger, et al.

Filing Date: December 31, 2001

Examiner: Peter A. Nelson

Art Unit: 3641

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EV325783222US

Date of Deposit: December 30, 2003

I hereby certify that this divisional patent application in the name of Farrell G. Badger, Brendan M. Welch, Ronald D. Thomas, Lyman G. Bahr, and Dean F. Richards for Explosive Device with Accelerated Bioremediation Capacity, together with the documents listed as transmitted below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Mail Stop: PATENT APPLICATION, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

DATED this 30th day of December, 2003.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
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Toll Free: (800) 900-2001
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KSB/tlb

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Docket: 2411.3301.2US

Transmitted:

Transmittal for Divisional Application (8 pages)

Application (61 pages)

Formal Drawings (13 sheets)

Documents from Patent Application SN 10/039,137 (the Parent Application):

Declaration, Power of Attorney, and Petition (5 pages)

Associate Power of Attorney executed 2/3/98 (2 pages)

Associate Power of Attorney executed 12/31/01 (3 pages)

Form PTO-1449 initialed 12/13/02 (10 pages)

Associate Power of Attorney (2 pages)

Transmittal for Information Disclosure Statement (5 pages)

Information Disclosure Statement (12 pages)

Form PTO-1449 (11 pages)

Check No. 5555 in the amount of \$1,112.00

Postcard